

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

STATES RESOURCES CORP.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 13-5011-CV-SW-ODS
)	
HOWSMON DISTRIBUTING CO.,)	
JOE HOWSMON, JOHN T. HOWSMON,)	
And LEE ANNE HOWSMON,)	
)	
Defendants.)	

ORDER AND OPINION ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

On June 17, 2013, the Court entered a Default Judgment against each defendant, holding them jointly and severally liable for a judgment in the amount of \$331,584.83 and for costs in the amount of \$670.35. Plaintiff instituted post-judgment efforts to enforce the judgment, and on January 6, 2014, the undersigned referred the matter to the Honorable David P. Rush, United States Magistrate Judge for this district, for all post-judgment matters.

Judge Rush held a hearing on March 4, 2014; Plaintiff appeared, but none of the Defendants appeared. Judge Rush issued a Report and Recommendation on March 5. No party filed objections to the Report and Recommendation, and the time for doing so has passed. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). The undersigned has also conducted a de novo review of the Record.

Judge Rush's recommendations are adopted as the Order of the Court, with slight variation and expansion.

1. The Motion to Compel Answers to Interrogatories (Doc. # 29) is denied without prejudice.
2. The Motion for Sanctions for Failure to Attend Depositions (Doc. # 30) is granted. Defendants are ordered to pay costs and fees in the amount of \$1,890.78.

3. Defendants are to appear for a deposition at a date and time to be determined in a Notice issued by Plaintiff's counsel. Defendants are to bring the documents requested in that Notice. The deposition will take place at the United States Courthouse in Kansas City, Missouri; specifically, in the jury room for Courtroom 8C. Plaintiff's counsel is directed to advise the undersigned's staff of the date and time for the deposition.

Defendants are advised that their failure to appear will result in a hearing to determine whether they should be held in Contempt of Court. Defendants are further advised that a failure to appear for *that* hearing will result in the issuance of a warrant for their arrest.

4. The Application for Charging Order (Doc. # 37) is granted. Plaintiff's counsel shall forward a proposed Charging Order for the undersigned's signature to the following e-mail address: renea_matthes@mow.uscourts.gov

The Clerk of Court is directed to mail two copies of this Order, one via First Class Mail, postage prepaid, and one via Certified Mail, Return Receipt Requested, to:

Lee Ann Howsmon
2027 Alabama
Joplin, MO 64804

Joe A. Howsmon
2406 Texas Avenue
Joplin, MO 64804

John T. Howsmon
1736 Southern Drive
Neosho, MO 64850

Howsmon Distributing Co.
526 S. Virginia Avenue
P.O. Box 1149
Joplin, MO 64801

IT IS SO ORDERED.

DATE: April 8, 2014

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT